

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION**

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

48,877 bags, more or less, of kratom powder in 30 gram,  
100 gram, and 250 gram configurations labeled in part:  
“Earth Kratom . . . Supplement Facts . . . Distributed by  
Fire Wholesale”

6,681 bags, more or less, of kratom capsules in 30 count,  
65 count, 100 count, 150 count, and 300 count  
configurations, labeled in part: “Earth Kratom . . .  
Supplement Facts . . . Distributed by Fire Wholesale”

17,772 kilograms, more or less, of bulk kratom powder  
in 1 kilogram, 5 kilogram, 10 kilogram, 20 kilogram, 25  
kilogram, 30 kilogram packages

836 kilograms, more or less, of bulk kratom capsules

400 bottles, more or less, of 72 and 75 count kratom  
capsules, labeled in part: “Earth Kratom . . . Supplement  
Facts . . . Distributed by Fire Wholesale”

and

all other quantities of the aforesaid articles of food with  
any lot number and in any size or type container that are  
labeled or otherwise appear to contain, or are, kratom,  
located at 706 Seaboard Street, Myrtle Beach, South  
Carolina or 710-B Seaboard Street, Myrtle Beach, South  
Carolina.

*Defendants.*

Civil Action No. 4:18-cv-02981-RBH

**DEFAULT JUDGMENT AND DECREE OF  
CONDEMNATION, FORFEITURE, AND DESTRUCTION**

On November 5, 2018, a Verified Complaint for Forfeiture (“Complaint”) against the  
above-captioned articles (“Articles”) was filed in this Court. The Complaint alleges that the  
Articles are dietary supplements and dietary ingredients within the meaning of the Act, 21 U.S.C.

§§ 321(ff) and 321(ff)(1), that may not be introduced or delivered for introduction into interstate commerce pursuant to 21 U.S.C. § 331(a) because they are adulterated within the meaning of 21 U.S.C. § 342(f)(1)(B). Thus, the Articles are subject to seizure, condemnation, and forfeiture to the United States under 21 U.S.C. § 334.

Pursuant to a Warrant for Arrest issued by this Court, the United States Marshal seized the Articles on November 7, 2018.

It appearing that process was duly issued in this action and returned; that public notice of the arrest and seizure of the Articles was given; and that no person or entity has appeared to claim the Articles within the time specified by the Warrant for Arrest and Rule G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, based on the motion of the United States for a Default Judgment, it is hereby:

**ORDERED, ADJUDGED, and DECREED**, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, that the default of all persons and entities having any right, title, or interest in the Articles under seizure, including but not limited to, MBBR International, Inc., be and is hereby entered; and it is further

**ORDERED, ADJUDGED, and DECREED**, that the seized Articles are adulterated within the meaning of 21 U.S.C. § 342(f)(1)(B), and may not be introduced or delivered for introduction into interstate commerce pursuant to 21 U.S.C. § 331(a); and it is further

**ORDERED, ADJUDGED, and DECREED**, that the Articles are hereby condemned pursuant to 21 U.S.C. § 334 and forfeited to the United States; and it is further

**ORDERED, ADJUDGED, and DECREED**, pursuant to 21 U.S.C. § 334, that the United States Marshal shall forthwith destroy the forfeited and condemned Articles and make due return to this Court. Destruction shall be in a manner that complies with all applicable

federal and state law and in the presence of a representative from the United States Food and Drug Administration.

January 29, 2019  
Florence, South Carolina

s/ R. Bryan Harwell  
R. Bryan Harwell  
United States District Judge